

# Land Use and Planning

## Chapter 3.10

### SUMMARY OF FINDINGS

The proposed Project will result in less than significant impacts to Land Use and Planning with mitigation. A detailed review of potential impacts is provided in the analysis below.

### INTRODUCTION

#### California Environmental Quality Act (CEQA) Requirements

This section of the Draft Environmental Impact Report (DEIR) addresses potential impacts to Land Use and Planning. As required in Section 15126, all phases of the proposed Project will be considered as part of the potential environmental impact.

As noted in Section 15126.2 (a), “[a]n EIR shall identify and focus on the significant environmental effects of the proposed Project. In assessing the impact of a proposed Project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published, or where no notice of preparation is published, at the time environmental analysis is commenced. Direct and indirect significant effects of the Project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects. The discussion should include relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems, and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development), health and safety problems caused by the physical changes, and other aspects of the resource base such as water, historical resources, scenic quality, and public services. The EIR shall also analyze any significant environmental effects the Project might cause by bringing development and people into the area affected. For example, an EIR on a subdivision astride an active fault line should identify as a significant effect the seismic hazard to future occupants of the subdivision. The subdivision will have the effect of attracting people to the location and exposing them to the hazards found there. Similarly, the EIR should evaluate any potentially significant impacts of locating development in other areas susceptible to hazardous conditions (e.g., floodplains, coastlines, wildfire risk areas) as identified in authoritative hazard maps, risk assessments or in land use plans addressing such hazards areas.”<sup>1</sup>

The environmental setting provides a description of the Land Use and Planning setting in the County. The regulatory setting provides a description of applicable Federal, State and Local regulatory policies that were developed in part from information contained in the Tulare County 2030 General Plan, the Tulare County General Plan Background Report and/or the Tulare

---

<sup>1</sup> 2012 CEQA Guidelines, Section 15126.2 (a)

Draft Environmental Impact Report  
Harvest Power Project

---

County General Plan Revised DEIR incorporated by reference and summarized below. Additional documents utilized are noted as appropriate. A description of the potential impacts of the proposed Project is provided and includes the identification of feasible mitigation measures (if necessary and feasible) to avoid or lessen the impacts.

### Thresholds of Significance

- Divide Community
- Conflict with Applicable land use pan policy, or regulation of an agency with jurisdiction over the project
- Conflict with applicable habitat conservation plan

## **ENVIRONMENTAL SETTING**

“Land use in Tulare County is predominately agriculture, and the County is committed to retaining the rich agricultural land. The foothill and mountain regions are controlled predominantly by the State and federal governments. However, as population increases, so does the demand for new housing, retail and commercial space. Agricultural land around the cities is being converted into urban uses. Housing, land, employment and economics are balanced to minimize the amount of agricultural land taken by development. Economic principles tend to take precedence over the conservation of land.”<sup>2</sup>

“Tulare County has been one of the faster growing counties in the state. Since 1950, its annualized growth rate is 1.8% (2.0% since 1980). Population growth has been primarily in the incorporated cities versus the unincorporated county... As of January 2009, the Department of Finance (DOF) estimates the County population to be 441,481...”<sup>3</sup>

## **REGULATORY SETTING**

### ***Federal Agencies & Regulations***

#### Federal Endangered Species Act

“Through federal action and by encouraging the establishment of state programs, the 1973 Endangered Species Act provided for the conservation of ecosystems upon which threatened and endangered species of fish, wildlife, and plants depend. The Act:

- authorizes the determination and listing of species as endangered and threatened;
- prohibits unauthorized taking, possession, sale, and transport of endangered species;
- provides authority to acquire land for the conservation of listed species, using land and water conservation funds;

---

<sup>2</sup> 2011 TCAG Regional Transportation Plan, page 1-11

<sup>3</sup> Ibid., page 1-4

Draft Environmental Impact Report  
Harvest Power Project

---

- authorizes establishment of cooperative agreements and grants-in-aid to States that establish and maintain active and adequate programs for endangered and threatened wildlife and plants;
- authorizes the assessment of civil and criminal penalties for violating the Act or regulations;
- authorizes the payment of rewards to anyone furnishing information leading to arrest and conviction for any violation of the Act or any regulation issued there under.”<sup>4</sup>

### ***State Agencies & Regulations***

#### **California Department of Fish and Game**

“The Department of Fish and Game maintains native fish, wildlife, plant species and natural communities for their intrinsic and ecological value and their benefits to people. This includes habitat protection and maintenance in a sufficient amount and quality to ensure the survival of all species and natural communities. The department is also responsible for the diversified use of fish and wildlife including recreational, commercial, scientific and educational uses.”<sup>5</sup>

#### **California Endangered Species Act**

“The California Endangered Species Act (CESA) states that all native species of fishes, amphibians, reptiles, birds, mammals, invertebrates, and plants, and their habitats, threatened with extinction and those experiencing a significant decline which, if not halted, would lead to a threatened or endangered designation, will be protected or preserved. The Department will work with all interested persons, agencies and organizations to protect and preserve such sensitive resources and their habitats.”<sup>6</sup>

### ***Local Policy & Regulations***

#### **Tulare County Association of Governments (TCAG)**

“The Tulare County Association of Governments (TCAG) is responsible for overseeing and planning projects with the county and each of its cities, helping to bring tax money back home to fund bus service, road improvements, projects that will improve our air quality, and more.”<sup>7</sup> TCAG’s 2009 Regional Blueprint includes a goal of a 25% increase in land use densities facilitated with urban growth and expansion of transportation facilities.

#### **Existing County Land Uses**

The proposed Project site is located in the northwestern portion of Tulare County. The Tulare County is located in the San Joaquin Valley portion of the Great Central Valley of California that lies south of the Sacramento-San Joaquin Delta, and is comprised of 4,863 square miles. The County is bordered by Fresno County to the north, Kings County to the west, Kern County to the south, and Inyo County to the east. The valley portion of land totals approximately 3,930 square

---

<sup>4</sup> Federal Endangered Species Act, <http://www.fws.gov/laws/lawsdigest/esact.html>

<sup>5</sup> California Department of Fish and Game website, <http://www.dfg.ca.gov/about/>

<sup>6</sup> California Endangered Species Act, <http://www.dfg.ca.gov/habcon/cesa/>

<sup>7</sup> Tulare County Council of Governments (TCAG) Website, <http://www.tularecog.org/>

miles or approximately 81 percent of Tulare County. Open space, which includes wilderness, national forests, monuments and parks, and county parks, encompass approximately 1,230 square miles, or approximately 25 percent of the County. Agricultural uses total approximately 2,150 square miles or approximately 44 percent of the entire County. Incorporated cities in the Tulare County account for less than three percent of the entire County area.

## **IMPACT EVALUATION**

### **Would the project:**

#### **a) Physically divide an established community?**

Project Impact Analysis:                      *No Impact*

The proposed Project does not include the construction of a major highway or railroad track. Further, the proposed Project does not require any off-site construction. The proposed Project does not include a general plan amendment or zone change. As such, no project specific impacts related to this checklist item will occur.

Cumulative Impact Analysis:                      *No Impact*

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, General Plan background Report, and/or Tulare County 2030 General Plan EIR.

The project is located in an agricultural area in west-northwestern Tulare County, approximately four (4) miles northeast of the City of Tulare, and five (5) miles south of the City of Visalia. The proposed Project site does not have any residential uses on-site and the nearest residential uses are large lot rural residential uses located within a one mile vicinity. Surrounding uses are primarily agricultural uses such as orchards and vineyard. Therefore, the proposed Project will not physically divide any established community. The proposed Project is not part of a new transportation facility that could divide a community. No cumulative impacts related to this checklist item will occur.

Mitigation Measures:

**None Required.**

Conclusion:    *No Impact*

As noted above, no Project specific or cumulative impacts related to this checklist item will occur.

- b) **Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?**

Project Impact Analysis:                      ***Less than Significant Impact with Mitigation***

The proposed Project site is located within Tulare County. The Updated County of Tulare General Plan, 2030, designates the site for agricultural land uses and is included in the Rural Valley Lands Plan (RVLP). The zoning for the site is Exclusive Agriculture - 40 acre minimum) AE-40 (See **Figure 3.10-1**). The existing Project is consistent with the existing land use and zoning under PSP 99-026 (ZA). Changes to the PSP 99-026 (ZA) Conditions of Approval (COA) include an increase in tonnages and the type of material recycled at this facility. The Project will require approval of Special Use Permits PSP 09-075 and PSP 12-039. As described earlier, the proposed Project is consistent with the underlying General Plan land use and zoning with the approval of the special use permits. Moreover, the proposed Project is expanding the operations of an existing composting facility. The impact will be less than significant.

Cumulative Impact Analysis:                      ***No Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, General Plan background Report, and/or Tulare County 2030 General Plan EIR.

The proposed expansion outlined in the use permit request, does not include any variances and would not result in significant impact related to a conflict with a policy or plan. Less than significant cumulative impacts related to this checklist item would occur.

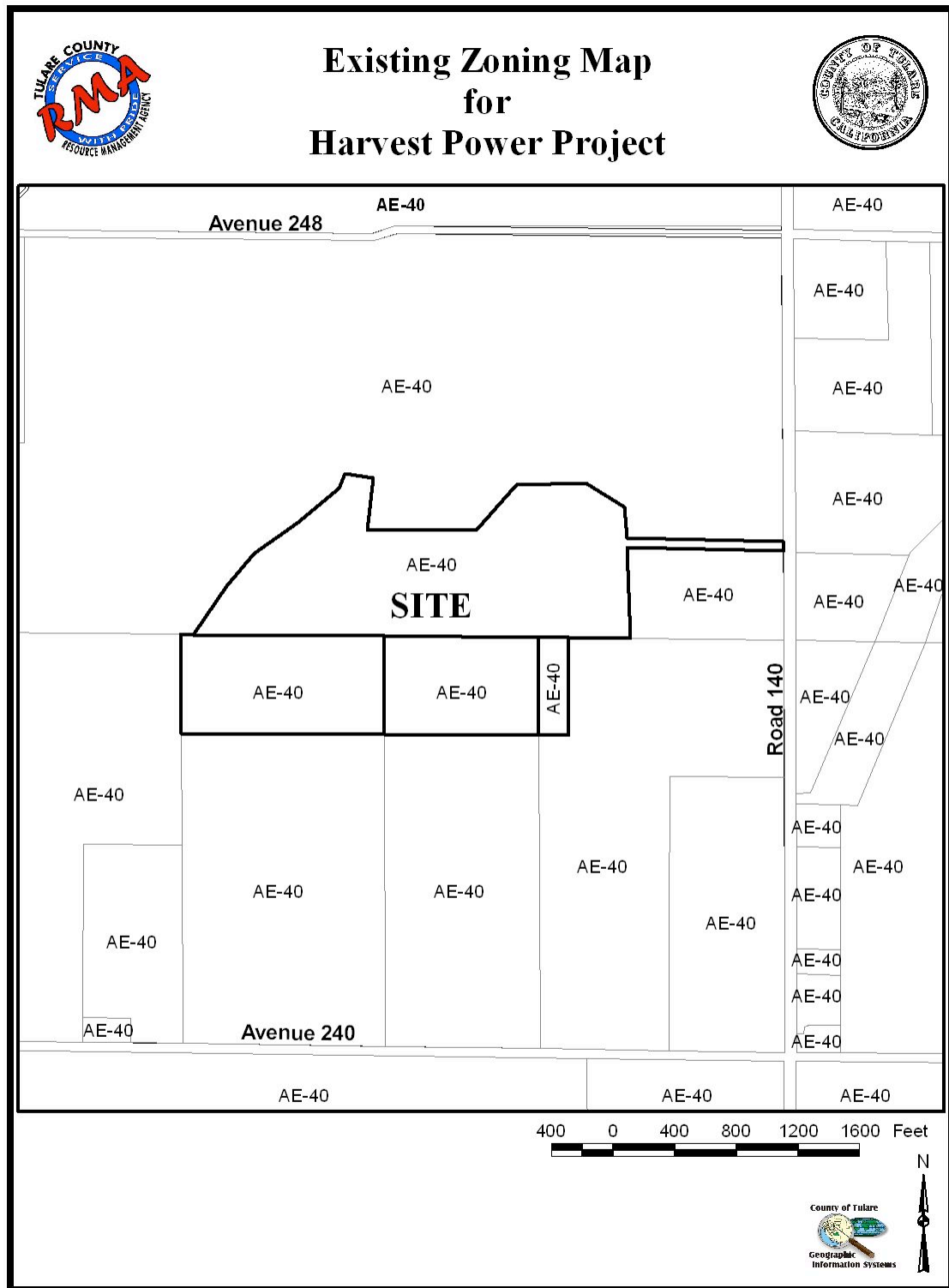
Mitigation Measures:

**3.10-1                      The composting and anaerobic digester operator shall adhere to all conditions of approval noted in the Use Permits for the composting expansion and the anaerobic digester.**

Conclusion:    ***Less than Significant Impact with Mitigation***

As noted earlier, the Project will have a less than significant impact to land use and zoning regulations upon adoption of the changes to the conditions of approval for the use permit(s) for the proposed Project.

Figure 3.10-1  
Existing Zoning



**c) Conflict with any applicable habitat conservation plan or natural community conservation plan?**

Project Impact Analysis:            ***Less than Significant Impact***

As noted in Chapter 3.4, there are two habitat conservation plans that apply in Tulare County. The Kern Water Habitat Conservation Plan only applies to an area in Allensworth and the project site is not subject to this plan. The Recovery Plan for Upland Species in the San Joaquin Valley outlines a number of species that are important to the San Joaquin Valley. None of these species were identified on the project site. As such, no project specific impacts related to this checklist item would occur.

Cumulative Impact Analysis:    ***Less than Significant Impact***

The geographic area of this cumulative analysis is Tulare County. This cumulative analysis is based on the information provided in the Tulare County 2030 General Plan, General Plan background Report, and/or Tulare County 2030 General Plan EIR.

There are no impacts related to habitat conservation plans, and therefore there are no cumulative impacts that would conflict with local policies or ordinances.

Mitigation Measures:

**None Required.**

Conclusion:                            ***Less than Significant Impact***

As noted above, less than significant project specific or cumulative impacts related to this checklist item would occur.

## **REFERENCES**

2011 Regional Transportation Plan, Tulare County Association of Governments (TCAG), July 11, 2012

Tulare County 2030 General Plan, August 2012

Tulare County Council of Governments (TCAG) Website, <http://www.tularecog.org/>

2012 CEQA Guidelines